

CITY OF PASADENA
City Council Minutes
April 13, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:35 p.m.
(Absent: Councilmember Madison, Vice Mayor Haderlein)

On order of the Mayor, the regular meeting recessed at 5:35 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

**City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: Pasadena Management Association and various unrepresented management classifications**

The above closed session item was discussed, with no reportable action at this time.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

**City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organizations: American Federation of State, County and Municipal Employees, Local 858; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Pasadena Association of Clerical and Technical Employees, LIUNA Local 777; Pasadena Fire Fighters Association, Local 809; Pasadena Fire Management Association; Pasadena Police Officers Association; Pasadena Police Sergeants Association; Service Employees International Union, Local 347; and various unrepresented employees**

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:31 p.m. The Pledge of Allegiance was led by Catherine Hany, Pasadena Public Library employee.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein (Absent)
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Absent)
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The Mayor presented a commendation to the Pasadena Public Libraries in celebration of receiving a five-star ranking from the Library Journal (the highest national ranking given for customer service). The commendation was received by Jan Sanders, Director of Information Services (Library) Department, and Augusta Parrington, Library Commission Chair.

The Mayor presented a proclamation designating April 18, 2009, as Arbor Day. The proclamation was received by Darya Barar, Program Coordinator, and Tony Longo, A. J. Longo and Associates, who thanked the City for the planting of trees on North Lake Avenue, the gateway to North Pasadena.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Charlene Brown, Lookin Green representative, invited the Council and community to the Green Valley Expo to be held on April 18, 2009, at Victory Park.

Tony Castaneda, Pasadena resident, expressed concerns regarding the need for the City to enforce weed abatement on property lots owned by the Edison Companies.

The Mayor indicated that staff would contact Mr. Castaneda regarding the status of Edison's property maintenance.

Michelle White, American Civil Liberties Union (ACLU) representative, asked Council to develop a policy in which an independent review will be conducted for all police-involved shootings, and to establish a citizen advisory committee to address issues involving the police; and expressed concerns regarding the lack of communication between the City and the community regarding the recent officer-involved shooting of Leroy Barnes.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A DISADVANTAGED BUSINESS ENTERPRISE RACE-CONSCIOUS IMPLEMENTATION AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Recommendation of City Manager: Authorize the City Manager to enter into a Disadvantaged Business Enterprise Race-Conscious Implementation Agreement with the State of California Department of Transportation, in order to comply with recent changes to the State's federally-mandated Disadvantaged Business Enterprise Program. (Agreement No. 19,892)

AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE PURCHASE AND RESALE OF SENIOR AND DISABLED MONTHLY TRANSIT ACCESS PASS (TAP) CARDS

Recommendation of City Manager: Authorize the execution of a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (Metro) for the purchase and the resale of Senior/Disabled Monthly Transit Access Pass (TAP) cards. (Agreement No. 19,890)

APPROVAL OF AMENDMENTS TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIRE FIGHTERS ASSOCIATION AND THE CITY OF PASADENA AND THE PASADENA FIREFIGHTERS MANAGEMENT ASSOCIATION

Recommendation of City Manager: It is recommended that the City Council approve:

- (1) An amendment to the Memorandum of Understanding between the City of Pasadena and the Pasadena Fire Fighters Association; and
- (2) An amendment to the Memorandum of Understanding between the City of Pasadena and the Pasadena Firefighters Management Association. (Agreement Amendment Nos. 19,155-1 and 19,094-1)

ITEM PULLED FROM AGENDA

February 23, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,846	Lawrence Weiss and Tina Weiss	\$ 2,174.14+
Claim No. 10,847	Amber Bishop, on behalf of Jolene Sanchez	2,784.57
Claim No. 10,848	Julia Sklar, Esq., Attorney for Nazeli R. Atayan	10,000.00+
Claim No. 10,849	Farah Heshmati and Charles Cramer-Borneman	Not Stated
Claim No. 10,850	Peter Lowin (Pasadena Laundry)	500.00+
Claim No. 10,851	Consuelo Luna	214.12
Claim No. 10,852	Miac Miac Sun	1,980.00

The City Clerk announced that the above draft City Council minutes of February 23rd were being pulled from the agenda to allow time for review of department staff comments that had been submitted regarding the telecommunications item that was considered at this meeting.

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the Consent Calendar, with the exception of the minutes for February 23, 2009, which were pulled from the agenda. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Haderlein)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

**APPROVE THE COMPREHENSIVE WATER
CONSERVATION PLAN; AND REPLACE THE CURRENT
WATER SHORTAGE PROCEDURE ORDINANCE,
PASADENA MUNICIPAL CODE SECTION 13.10, WITH A
NEW WATER WASTE PROHIBITION AND WATER
SHORTAGE PLAN ORDINANCE**

Recommendation of City Manager:

- (1) Find that the Comprehensive Water Conservation Plan (Attachment A of the agenda report) is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15262 (Feasibility and Planning Studies); and find that the adoption of the ordinance to replace the current Water Shortage Procedure Ordinance is exempt from CEQA, pursuant to State CEQA Guidelines Section 15061(b)(3) (general rule);
- (2) Adopt the Comprehensive Water Conservation Plan; and
- (3) Direct the City Attorney to draft an ordinance to replace the current Water Shortage Procedure Ordinance, Pasadena Municipal Code Section 13.10, with a new "Water Waste Prohibition and Water Shortage Plan" ordinance within 60 days, consistent with the provisions set forth in Attachment B of the agenda report.

Recommendation of Environmental Advisory Commission:

On March 17, 2009, the Environmental Advisory Commission (EAC) unanimously recommended that the City Council adopt the Comprehensive Water Conservation Plan and the recommended "Water Waste Prohibition and Water Shortage Plan" ordinance provisions.

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the agenda item and noted the following additional recommendation from the Committee

Recommendation of Municipal Services Committee: It is recommended that the City Council declare a Level One Water Shortage when the Water Shortage Procedure Ordinance becomes effective, or as soon thereafter as legally permissible.

Phyllis Currie, General Manager of Water and Power Department, highlighted components of the agenda report, and responded to questions regarding the proposed

Comprehensive Water Conservation Plan. Ms. Currie indicated staff would meet with affordable housing providers and senior advocates to design water usage education programs that would address their issues regarding water usage; and that the education/outreach program for the Plan would be presented to the Municipal Services Committee for review when this component is completed.

Eric Klinkner, Assistant General Manager, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Nancy Long, Account Manager-Customer Relations, responded to questions regarding the education/outreach component of the Plan.

The following persons spoke in support of the proposed Comprehensive Water Conservation Plan and/or expressed concerns regarding components of the Plan:

Robert Huddy, Pasadena resident
Michelle White, Affordable Housing Services representative

Discussion followed on penalty violations, use of reclaimed water, and incentive programs and outreach to educate customers on how to use water appropriately.

Councilmember Gordo suggested staff explore new technologies that will assist residents/businesses in conserving water and inform customers of what is available; that an additional subset for penalty violations be created to cover residential users with meters of 1½" or larger (differentiate between resident vs. commercial customers); and that the Plan's focus be on compliance, rather than enforcement.

Councilmember Tyler encouraged staff to use "field"/outside resources as part of the education/outreach component on water usage.

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the City Manager's recommendation, as amended above by the Municipal Services Committee and with an additional subset for penalty violations to be created to cover residential users with meters of 1½" or larger (in order to differentiate between residents vs. commercial customers). (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Haderlein)

SET A PUBLIC HEARING FOR THE PROPOSED WATER RATE INCREASES AND IMPLEMENTATION OF WATER-CONSERVATION BASED RATE STRUCTURE

Recommendation of City Manager: Establish a date of June 8, 2009 to conduct a public hearing to receive public comment on the proposed Water Rate Increases and Implementation of Water-Conservation Based Rate Structure in accordance with the requirements of Proposition 218.

Councilmember McAustin introduced the agenda item.

Phyllis Currie, General Manager of Water and Power Department, summarized the agenda report, noted that information on the water rate increases would be presented at the public hearing and as part of the Water and Power Department's budget presentation during the upcoming budget process, and responded to questions.

Councilmember Tyler suggested staff provide information on a forward-looking financial projection for the Water Fund and the Water and Power Department (e.g., current deficit, where the money will come from, how the money will be paid back, and the capital improvement program) during the upcoming City budget process and at the public hearing.

It was moved by Councilmember McAustin, seconded by Councilmember Gordo, to set the above public hearing for June 8, 2009 at 7:30 p.m., with staff to provide information on a forward-looking financial projection for the Water Fund and the Water and Power Department budget. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Haderlein)

PUBLIC HEARING

PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2010 OPERATING BUDGET AND FISCAL YEAR 2010-2014 CAPITAL IMPROVEMENT PROGRAM

Recommendation of City Manager:

- (1) Open the public hearing and receive public comment on the City Manager's Recommended Fiscal Year (FY) 2010 Operating Budget and Fiscal Year (FY) 2010-2014 Capital Improvement Program;
- (2) Continue the public hearing to each subsequent regular meeting of the City Council at 7:30 p.m., until June 15, 2009, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2010 Operating Budget and Fiscal Year 2010-2014 Capital Improvement Program; and
- (3) Refer the City Manager's Recommended FY 2010 Operating Budget and FY 2010-2014 Capital Improvement Program budgets to the Finance Committee, and direct the meetings be noticed as joint meetings between the Finance Committee and the City Council from April 13, 2009 to June 15, 2009.

The Mayor opened the public hearing, and commented on the budget process and opportunities for all community stakeholders to participate in the process.

The City Clerk reported the notice of public hearing was published on March 26, 2009 in the Pasadena Journal; and 1 letter expressing concerns was received.

The City Manager provided an overview of the 2009 and 2010 budget challenges, the 2010 budget strategy and priorities, the proposed 2010 budget, and the budget process as part of a PowerPoint presentation; and commented on the impact of secondary federal stimulus monies on various sectors in the community and the City's budget.

Councilmember Tyler noted that each department's budget presentation would include two tiers of proposed expense reductions and would outline the internal and external impacts on services of these reductions.

No one appeared for public comment.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to continue the public hearing to April 27, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Haderlein)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF ANNETTE NICOLE TO THE NORTHWEST COMMISSION (District 6 Nomination)

APPOINTMENT OF CAPRICE D. HARPER TO THE HISTORIC PRESERVATION COMMISSION (District 1 Nomination)

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the above two appointments. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Haderlein)

CONSIDERATION OF AMENDMENT TO THE CITY COUNCIL MORATORIUM ON TREE PLANTING IN THE PLAYHOUSE DISTRICT AND IN OTHER PUBLIC AREAS (Councilmember Gordo)

The Mayor commented on his understanding that the scope of the discussion on this agenda item relates to trees that are controlled by the City; that the previously-approved moratorium on the removal of healthy trees, subject to certain limited exceptions, remains in force and is not a subject of the discussion (unless Council decides differently); that the moratorium on the planting of trees in commercial areas remains in effect, subject to certain focused exceptions; that

the study of approved street trees is moving forward as this relates to reviews of the Master Street Tree Plan and other City plans in meeting the City's goals; and that the study of the Urban Forestry Advisory Committee's jurisdiction is moving forward. The Mayor noted, for the record, that correspondence regarding the tree issues that he had received in the past 72 hours had been submitted to the City Clerk for distribution.

Councilmember Gordo discussed the status of tree planting in the Playhouse District and the streetscape/tree plan; expressed concerns regarding the impacts of an interruption in the implementation of the current Playhouse District tree plan and possible alteration of the plan; asked Council to revisit its prior action to prohibit the planting of trees in the Playhouse District; and expressed support for moving forward with planting the Playhouse District trees as set out in the current streetscape/tree plan. Mr. Gordo noted, for the record, that a letter from Marjorie Lindbeck, President of the Homeowners Association at Granada Court, had been submitted and distributed in support of the removal of the Playhouse District from the tree planting suspension/moratorium.

Councilmember Tyler clarified the inclusion of the Playhouse District in the suspensions/moratoriums regarding healthy tree removals and tree plantings; and explained the reasons for moving forward with the reviews that will assist in determining the appropriate trees to plant as part of the Master Street Tree Plan and various streetscape/tree plans based on the criteria discussed by Council (shade canopy, drought tolerant, and nondestructive to sidewalks), before moving forward with further tree planting.

Dan Rix, City Engineer, responded to questions regarding the proposed tree planting and tree planting process on Colorado Boulevard.

The following persons spoke in support of removal of the Playhouse District and/or other business districts from the tree planting suspension/moratorium:

Rhonda Bennett, South Lake Business Association Board member
Paul Jacoy, Playhouse District Association President
Erlinda Romo, Playhouse District Association Executive Director
Steve Mulheim, Old Pasadena Management District President and Chief Executive Officer
Gina Tleel, South Lake Business Association Executive Director
Caroline Cotten, Pasadena resident
Michael Seel, Pasadena resident
Nancy Nelson, Pasadena resident

Marilyn Buchanan, Old Pasadena Management District
Chair
Mark Nay, Pasadena resident
Robert De Pietro, South Lake Business Association Board
member

The following persons spoke in opposition to the removal of the Playhouse District and/or other business districts from the tree planting suspension/moratorium:

Phoebe Wilson, Pasadena resident
Nina Chomsky, Pasadena resident
Christle Balvin, Pasadena resident
Lori Paul, Pasadena resident
Emina Darakjy, Pasadena Beautiful Foundation Immediate
Past President
Branislav Kecman, Pasadena Treegilantes representative

The following person suggested action on the tree issue be postponed to allow the City to focus on issues related to the Pasadena Unified School District and children:

Joan Chin, Pasadena resident

The City Manager noted that the informational handout distributed by staff titled, "Urban Environmental Accord Actions", was intended to provide information that the ginkgo tree did meet the Urban Accord actions; and responded to questions.

Kathy Woods, Parks Administrator, reviewed the Urban Environmental Accord Actions handout, and responded to questions regarding tree removals and planting.

Discussion followed on options to exempt specific business districts from the tree planting moratorium, and impacts from the delay of tree planting in the business districts.

PENDING MOTION

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to exempt from the tree planting moratorium the Old Town Pasadena, South Lake Avenue, and Playhouse Business Districts, and allow tree plantings to move forward according to approved tree planting plans for each of the three business districts.

Councilmember Gordo suggested that Council affirm and reinforce the opening comments stated above by the Mayor.

Councilmember Holden was excused at 9:51 p.m.

The Mayor indicated that information on a workplan and a timeline for the Master Street Tree Plan review process that was previously requested by Councilmember Tyler would be presented at the Council meeting of April 27, 2009.

At the request of Councilmember Gordo and by consensus, the pending motion was tabled to the meeting of April 27, 2009, to allow all members of the Council to be present.

**ORDINANCES – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO, AMONG OTHER TECHNICAL AMENDMENTS, GIVE CALL FOR REVIEW AUTHORITY TO THE HISTORIC PRESERVATION COMMISSION, CHANGE THE PROCESS FOR SELECTING MILLS ACT RECIPIENTS, AND REQUIRE INTERIM REGULATORY REVIEWS IN PENDING LANDMARK DISTRICTS”

Michelle White, Affordable Housing Services representative, expressed concerns regarding the need to consider the costs of building modifications in affordable housing projects, the provisions that restrict second units, and the need to balance historic preservation with an accommodation for affordable housing.

The Mayor noted that the second unit issue was being studied for future consideration by Council.

The above ordinance was offered for first reading by Councilmember McAustin:

AYES: Councilmembers Gordo, McAustin, Robinson, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison, Vice Mayor Haderlein

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA REPEALING CHAPTER 9.44 OF THE PASADENA MUNICIPAL CODE (DISTRIBUTION OF UNSOLICITED WRITTEN MATERIAL) AND ADOPTING A NEW CHAPTER 9.44 (HANDBILLS)”

The following persons spoke in opposition and/or expressed various concerns regarding provisions in the proposed ordinance (e.g., free speech [Constitutional] issues, interference with renters'/condominium owners' rights, and unlawful restrictions on agencies that distribute informational materials):

David Fertig, Pasadena resident
Marvin Schachter, Senior Advocacy Council and AARP California representative
Michelle White, American Civil Liberties Union (ACLU) Pasadena-Foothill Chapter President
Nancy Nelson, Pasadena resident

The City Attorney suggested that staff explore modifications to the ordinance that would address the concerns expressed regarding multi-family housing, and return to Council with a revised ordinance for first reading.

By consensus and on order of the Mayor, the above matter was continued to the Council meeting of April 27, 2009, with staff to return with a revised ordinance for first reading at that time.

INFORMATION ITEM

PRE-APPLICATION CONFERENCE FOR AN AMENDMENT TO THE HUNTINGTON MEMORIAL HOSPITAL MASTER DEVELOPMENT PLAN (100 WEST CALIFORNIA BOULEVARD) AND ZONE CHANGE FOR PROPERTY LOCATED AT 624 SOUTH PASADENA AVENUE

Recommendation of City Manager: This report is being provided for information only.

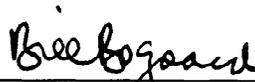
Eric Duyshart, Business Development Administrator, introduced the agenda item and responded to questions. In response to Councilmember Tyler's request, Mr. Duyshart indicated that staff will confirm the schedule for removal of the construction fence on California Boulevard and Pasadena Avenue.

Antonio Gardea, Associate Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

On order of the Mayor, the information was received and filed.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:24 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk